

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-8538-RWS

(caption continued on next pages)

MOTION TO ADMIT COUNSEL *PRO HAC VICE*

---

WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-8808-RWS

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ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-9651-RWS

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WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10400-UA

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JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10540-SHS

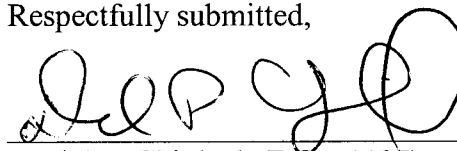
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Daniel P. Chiplock, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

James M. Hughes  
MOTLEY RICE LLC  
P.O. Box 1792 (zip 29465)  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
Tel: 843-216-9133  
Fax: 843-216-9440  
jhughes@motleyrice.com

James M. Hughes is a member in good standing of the Bar of the State of South Carolina. There are no pending disciplinary proceedings against James M. Hughes in any State or Federal court.

Dated: January 16, 2008  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.P. Chiplock', written over a horizontal line.

Daniel P. Chiplock (DC – 1137)  
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP  
780 Third Avenue, 48<sup>th</sup> Floor  
New York, New York 10017-2024  
Tel: 212-355-9500  
Fax: 212-355-9592

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8538-RWS

(caption continued on next pages)

**DECLARATION OF DANIEL P. CHIPLOCK  
IN SUPPORT OF *PRO HAC VICE* APPLICATION**

---

WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8808-RWS

---

ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-9651-RWS

---

WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-10400-UA

---

JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

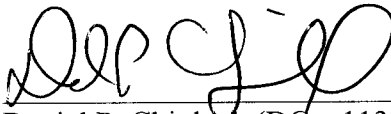
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Civil Action No. 07-10540-SHS

DANIEL P. CHIPLOCK declares under penalty of perjury:

1. I am a partner with the law firm of Lief, Cabraser, Heimann & Bernstein, LLP, counsel for plaintiffs in the above-captioned matter, and I am familiar with the facts of this matter. I make this declaration in support of the Application for admission *pro hac vice* of James M. Hughes. The facts stated in this declaration are stated upon information and belief, based upon representations made to me and documents provided to me by Mr. Hughes, and I believe them to be true.
2. I have been admitted to practice in the Southern District of New York since 2001.
3. Mr. Hughes is admitted to practice before the Bar of the State of South Carolina and is in good standing. The certificate of good standing with respect to Mr. Hughes is annexed as Exhibit A to the Declaration of James M. Hughes.
4. Mr. Hughes is Senior Counsel with Motley Rice LLC in the firm's Mount Pleasant office located at 28 Bridgeside Boulevard, Mount Pleasant, South Carolina 29464.
5. Mr. Hughes has not been subjected to discipline by any court and no disciplinary charges are currently pending against him.
6. Mr. Hughes is fully familiar with the individual rules of this Court and the local rules of the United States District Court for the Southern District of New York.

Dated: January 16, 2008  
New York, New York

  
Daniel P. Chiplock (DC - 1137)



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8538-RWS

(caption continued on next pages)

**DECLARATION OF JAMES M. HUGHES  
IN SUPPORT OF *PRO HAC VICE* APPLICATION**

---

WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8808-RWS

---

ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-9651-RWS

---

WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10400-UA

---

JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-10540-SHS

JAMES M. HUGHES declares under penalty of perjury:

1. I am Senior Counsel with the law firm of Motley Rice LLC, 28 Bridgeside Boulevard, Mount Pleasant, South Carolina 29464. I reside at 37 Town Creek Drive, Charleston, South Carolina 29407.

2. I have been a member in good standing of the Bar of the State of South Carolina since November, 1993, and am admitted to practice in the State of South Carolina. Attached hereto as Exhibit A is a Certificate of Good Standing with the Bar of the State of South Carolina.

3. I have not been disciplined by any Court and no disciplinary charges are currently pending against me. I have never been held in contempt of court.

4. I am fully familiar with the individual rules of this Court; the local rules of the United States District Court for the Southern District of New York; the provisions of the Judicial Code that pertain to the jurisdiction of, and practice in, the United States District Courts; the Federal Rules of Civil Procedure and the Federal Rules of Evidence; and the New York State Lawyers' Code of Professional Responsibility. I will adhere to all applicable rules of conduct in connection with my activities in this Court.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct, and that this Declaration is executed this 14th day of January, 2008, in Mount Pleasant, South Carolina.

  
\_\_\_\_\_  
JAMES M. HUGHES

# EXHIBIT A

# The Supreme Court of South Carolina

## Certificate of Good Standing

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that James Michael Hughes was admitted as an attorney in this state on November 15, 1993 and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watts  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

January 9, 2008

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8538-RWS

(caption continued on next pages)

**[PROPOSED] ORDER GRANTING ADMISSION TO PRACTICE *PRO HAC VICE***

---

WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8808-RWS

---

ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-9651-RWS

---

WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

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Civil Action No. 07-10400-UA



---

JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-10540-SHS

Upon the motion of Daniel P. Chiplock, attorney for Skandia Life Insurance Company Ltd. and his declaration in support;

IT IS HEREBY ORDERED that

James M. Hughes  
MOTLEY RICE LLC  
P.O. Box 1792 (zip 29465)  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
Tel: 843-216-9133  
Fax: 843-216-9440  
jhughes@motleyrice.com

is admitted to practice *pro hac vice* as counsel for Skandia Life Insurance Company Ltd. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF passwork at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: January \_\_\_, 2008  
New York, New York

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Robert W. Sweet  
United States District Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

LARRY FREUDENBERG, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-8538-RWS

(caption continued on next pages)

**CERTIFICATE OF SERVICE**

WILLIAM BOSTON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-8808-RWS

ROBERT D. THULMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-9651-RWS

WENDY M. DAVIDSON, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN and ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-10400-UA

---

JOSHUA FERENC, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND ROBERT J.  
SIMMONS,

Defendants.

---

Civil Action No. 07-10540-SHS

I, Daniel P. Chiplock, Esq., hereby certify that on January 16, 2008, I filed by hand with the Court the following documents:

- (1) **Motion to Admit Counsel *Pro Hac Vice*;**
- (2) **Declaration of Daniel P. Chiplock In Support of *Pro Hac Vice* Application;**
- (3) **Declaration of James M. Hughes In Support of *Pro Hac Vice* Application, with attached Exhibit A;**
- (4) **[Proposed] Order Granting Admission to Practice *Pro Hac Vice*; and**
- (5) **Certificate of Service**

I hereby certify that copies of these documents were mailed via first class U.S. mail, postage prepaid, on this date, to the following parties and/or counsel:

David Avie Rosenfeld  
Coughlin Stoia Geller Rudman  
& Robbins, LLP  
58 South Service Road, Suite 200  
Melville, NY 11747

*Attorney for Plaintiff Larry Freudenberg*

Andrew Edward Krause  
Dennis E. Glazer  
Nancy B. Ludmerer  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

*Attorneys for Defendant E\*Trade Financial Corporation*

Judith Lynne Spanier  
Abbey Spanier Rodd Abrams & Paradis, LLP  
212 East 39th Street  
New York, NY 10016

*Attorney for Movant State Teachers Retirement System of Ohio*

Elizabeth Ann Schmid  
Brower Piven  
488 Madison Avenue  
New York, NY 10022

*Attorney for Movant The Kristen-Straxton Group*

Geoffrey Coyle Jarvis  
Grant & Eisenhofer, PA  
Chase Manhattan Centre  
1201 North Market Street  
Wilmington, DE 19801

*Attorney for Movant E\*TRADE Institution Investor Group*

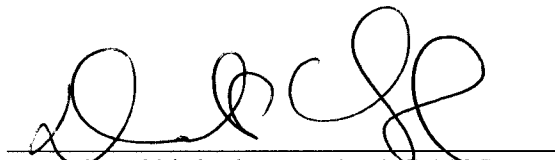
Gregory Mark Nespole  
Wolf Haldenstein Adler Freeman & Herz, LLP  
270 Madison Avenue  
New York, NY 10017

*Attorney for Movant Grant Robert*

Eduard Korsinky  
Zimmerman Levi & Korsinsky, LLP  
39 Broadway, Suite 1601  
New York, NY 10006

*Attorney for Movant Ira Newman*

Dated: New York, New York  
January 16, 2008



Daniel P. Chiplock, Bar No. DC 1137  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
780 Third Avenue, 48th Floor  
New York, NY 10017  
Tel. (212) 355-9500  
Fax (212) 355-9592  
E-mail: dchiplock@lchb.com

*Attorney for Skandia Life Insurance Company Ltd.*